



TNRCC REGULATORY GUIDANCE

Office of Pollution Prevention & Recycling
RG-209
January 22, 1996

SUBJECT: Does the Waste Reduction Policy Act Apply to You?

The Waste Reduction Policy Act (WRPA) requires that certain facilities prepare a Source Reduction & Waste Minimization (SR/WM) plan. If you are required to prepare a plan, then you would be required to submit an executive summary of your plan and possibly an annual progress report. The Texas Legislature adopted the Act in 1991 (Texas Health and Safety Code, §361.501 - §361.510; 30 Texas Administrative Code §335.471-480). This document is intended to help you determine if WRPA applies to you and, if so, what you would do to comply. If you would like more information, please refer to the last page of this document.

STEP 1: Determine whether WRPA applies to your facility

1. Has your facility generated any hazardous waste since January 1992?

OR

2. Since 1992, has your facility been subject to the Toxic Release Inventory (TRI)? The TRI Form R is used to report on-site releases and/or off-site transfers of toxic chemicals, as required by Superfund Amendments and Reauthorization Act, Title III, Section 313.

If you answered **yes** to at least one of these questions, you may be subject to WRPA requirements. Continue on to steps 2 through 6.

If you answered **no** to both questions, WRPA **does not** apply to your facility.

STEP 2: Compute totals for all hazardous wastes generated as reported on Annual Waste Summaries &/or chemicals as reported on the TRI Form R and fill in Table 1

If you are a hazardous waste generator:

- Review your facility's Annual Waste Summaries from 1992 onwards.
- Total all hazardous wastes for each year's Annual Waste Summary (hazardous wastes will have a Texas Waste Code beginning with "9" or ending with "H").
- Convert each year's total to tons.
- Write the totals for each year in the appropriate row under "Your Hazardous Waste Generated" on Table 1, column B (see page 2 of this document).
- Estimate amounts on Table 1, for years which have not yet been reported.
- Please note that the 1992 hazardous waste data (on your Annual Waste Summary) was due to the Texas Natural Resource Conservation Commission (TNRCC) January 25, 1993. The 1993 data

was due January 25, 1994, etc.

STEP 2, Continued

If you are a TRI reporter:

- Review your facility's TRI Form Rs from 1992 onwards.
- Total Sections 5 and 6 for all chemicals from each year's TRI Form Rs.
- Add the totals for all chemicals together, then convert to tons.
- Write the totals for each year in the appropriate row under "Your TRI Releases" on Table 1 column D (see below).
- Estimate amounts on Table 1, for years which have not yet been reported.
- Please note that the 1992 TRI data (on Form Rs) was due to the TNRCC July 1, 1993. The 1993 Form R was due July 1, 1994, etc.

Table 1							
Facility ¹ Name				Facility Location			
	A	B	C	D	E	F	G
	Year	Your Total Hazardous Waste Generated (tons) ²	Hazardous Waste Limit (tons) ²	Your Total TRI Releases/Transfers (tons) ²	TRI Limit (tons) ²	Is Either Total > Limit? (Y/N)	If Y, Plan Completion and Executive Summary Submittal Date
1	1992		5000		100		7/1/93*
2	1993		500		10		1/1/94*
3	1994		15		5		1/1/95*
4	1995		5		1		1/1/96*
5	1996		1.102		<1		1/1/97*

¹ A facility is defined as having one set of IDs (TRI, EPA, and Solid Waste). If you have more than one facility, copy this form and fill out one for each facility.

² One ton = 2000 lbs

*The Rules allow a 90-day period for compliance with these requirements. For example, hazardous waste generators with plans due 1/1/96 would have until April 25, 1996 (90 days after the due date of their Annual Waste Summary).

Note: Do not submit this table to the TNRCC. This table was designed to assist you in determining if WRPA applies to you.

STEP 3: Determine if and when your SR/WM plan is due

Using the following instructions, fill out Table 1 with the totals computed in Step 2 to help you determine if and when a plan is due for your facility:

- Review the 1992 data in row 1 of Table 1.
- If the amount in column B, row 1 exceeds the limit in column C, row 1, then put "Y" in column F, row 1. Your SR/WM plan was due 7/1/93, as shown under column G, row 1.

STEP 3, Continued

- If you did not exceed the limit in column C, put an "N" under column F, row 1 and continue to column D if you are a TRI reporter. If the amount in column D, row 1 exceeds the limits in column E, row 1, then your plan was due 7/1/93, as shown under column G, row 1.
- If you are not a TRI reporter, continue down to column B, row 2 and determine if your total exceeds the limit of 500 tons (column C, row 2), if it is, place a "Y" in column F. Your plan was due 1/1/94, as shown under column G, row 2.
- Continue to fill in column F for each row until you either answer with a "Y" (exceed a limit) or have filled in the form completely. The first limit you exceed identifies the year that your plan is due (in column G).
- If you fall below all threshold levels in columns C and E (column F should contain only "N's"), then you have no requirements under WRPA at this time.

If you determine that you are past due or close to the deadline, DON'T PANIC. Continue to follow the instructions in this document to determine what you need to do.

STEP 4: Determine which type of plan you need to prepare

Large Quantity Generator (LQG)/TRI-type plan:

If your facility reports under TRI then you need to prepare a LQG/TRI-type plan.

OR

If your facility generated more than 13.2 tons of hazardous waste per year then you also need to prepare an LQG/TRI-type plan.

Small Quantity Generator (SQG)-type plan:

If your facility generated less than 13.2 tons of hazardous waste per year **and** you are not a TRI reporter, then you need to complete the requirements for SQG-type plan.

STEP 5: Decide what you have to send to TNRCC

If you need to prepare an LQG/TRI-type plan:

At the same time your LQG/TRI plan is due to be prepared, you are required to submit an executive summary of your plan to the TNRCC. Eighteen months after your plan is first due, you must submit an Annual Progress Report on the required forms (RG-112) and an update of the executive summary to the TNRCC.

If you need to prepare an SQG-type plan:

At the same time your SQG-type plan is due to be prepared, you must submit an executive summary of the plan to the TNRCC. Keep in mind that if you are an SQG but must also report under TRI, you must complete the LQG/TRI requirements above.

STEP 6: How to get additional information, forms, and technical support to do your Plan, Executive Summary and Annual Progress Report

If you determine that you are past due or close to the deadline, DON'T PANIC. First, obtain guidance documents the TNRCC has developed to help you meet the WRPA requirements. You may get this information in several ways:

- Contact TNRCC Publications at (512) 239-0028 to order the following documents (use document number):
 - RG-133** Pollution Prevention Assessment Manual: Provides information on how to do a LQG/TRI plan and executive summary and how to do a SQG/non-TRI type plan. Also contains a copy of the rules and other helpful information.
 - RG-112** SR/WM Annual Progress Report Manual and Forms: Assists LQGs/TRIs in completing annual reporting requirements.
 - RG-196** SR/WM Executive Summary and Certificate of Completeness and Correctness for SQGS: Includes the SQG/non-TRI Executive Summary form and SQG/non-TRI plan requirements.
- Use your computer modem call TNRCC OnLine at (512) 239-0700. Select the General menu, then the Pollution Prevention and Recycling menu, and download the applicable files. For help on how to access TNRCC OnLine, call (512) 239-0911.
- For information on Pollution Prevention Workshops, call (512) 239-3152.
- Call (512) 239-3100 for help with WRPA requirements and ask to speak with someone on the Industrial Pollution Prevention team. Please have Table 1 completed and handy when you call. We can clarify requirements and assist you in preparing your Plan, Executive Summary or Annual Progress Report. Or write to us at:

Office of Pollution Prevention and Recycling/TNRCC
IPP/TRI, MC112
P.O. Box 13087
Austin, TX 78711
- **Once you have completed your WRPA documents, send the required documents to the TNRCC at the above address.**

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